

MANDATORY CLASSIFICATION REVIEW REQUEST - E. O. 12065				
SUBJECT: (Optional) <div style="display: flex; justify-content: space-between; margin-top: 5px;"> JAMES, Karel S. (NSC REFERRAL) </div>			REQUEST NUMBER <div style="border: 1px solid black; padding: 2px; text-align: center;">E85-0129</div>	
FROM: <div style="border: 1px solid black; display: inline-block; width: 150px; height: 20px; margin: 5px 0;"></div> DDA/OIS/IPD		EXTENSION	DATE SENT 17 July 85	
TO: (Officer designation, room number, and building)		DATE <div style="display: flex; justify-content: space-between; font-size: small;"> RECEIVED FORWARDED </div>	OFFICER'S INITIALS	
DCI/FIO 6E2914 HQS		22 Jul	30 Jul	
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COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)				
Please process the attached E.O. as referred to your office by CRD and make any recommendations for release.				
1 to IPD: Both <div style="border: 1px solid black; display: inline-block; width: 80px; height: 15px;"></div> and <div style="border: 1px solid black; display: inline-block; width: 80px; height: 15px;"></div> Exec Secretary, have reviewed this paper and we have no objections to downgrade and release.. We would recommend, if not already accomplished by the NSC Staff, that the present Executive Director, PFIAB, be requested to coordinate also.				
<div style="border: 1px solid black; display: inline-block; width: 150px; height: 30px; margin: 0 auto;"></div> RMO/DCI				
ACTION: DCI				
RETURN TO: DDA/OIS/IPD 1107 AMES				
MANDATORY CLASSIFICATION REVIEW REQUEST - E. O. 12065				

LOGGED

MANDATORY CLASSIFICATION REVIEW REQUEST - E. O. 12065

SUBJECT: (Optional) JAMES, Karel S. (NSC REFERRAL)			REQUEST NUMBER E85-0129	
FROM: <input type="text"/> DDA/OIS/IPD		EXTENSION	DATE SENT 3 July 85	
			SUSPENSE DATE	
TO: (Officer designation, room number, and building)		DATE		OFFICER'S INITIALS
		RECEIVED	FORWARDED	
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RETURN TO: DDA/OIS/IPD 1107 AMES				
MANDATORY CLASSIFICATION REVIEW REQUEST - E. O. 12065				

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COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

Please process the attached E.O. as referred by NSC and make any recommendations for further review or release.

C/IPD:

CRD recommends declassification of this document which discusses, in very general terms, oversight of the intelligence community. We suggest coordinating this review with the O/DCI and particularly with in the Office of the Executive Director, 7C17 Headquarters.

handles PFIAB matters

C/CRD

ACTION: CRD

Page Denied

UNCLASSIFIED
WITH SECRET
ATTACHMENT(S)

In reply refer to
F 84-1370

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506
June 26, 1985

IPD Registry
E85-0129
FPO/JS

MEMORANDUM FOR John Wright
Information and Privacy Coordinator
Central Intelligence Agency

SUBJECT: Declassification/Release Request
of Karel S. James

MANY LISTINGS
NONE PERTAIN
FPO

The attached document(s) has(have) been requested under provisions of:

☐ the Freedom of Information Act ☐ Privacy Act
☒ Executive Order 12356 ☐ Other

Please review the document(s) and advise the National Security Council if, in your opinion, the document(s) may be declassified and/or released.

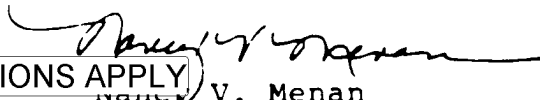
If you recommend the document(s) or portions thereof should remain classified in the interest of national security or otherwise not releasable, please provide the NSC with the provisions from the Freedom of Information Act, the Privacy Act, or appropriate sections of Executive Order 12356 on which your decision is based. If applicable, please provide downgrading recommendations as well.

We ask that you return the document(s) along with your recommendations. Questions should be directed to Nancy Menan at 395-5756.

Additional comments for your information:

JUN 27 10 21 AM '85

ON-FILE NSC RELEASE INSTRUCTIONS APPLY


Nancy V. Menan
FOI/Mandatory Review Officer
Office of Information Policy
and Security Review

Attachment(s) DOC #1

UNCLASSIFIED
WITH SECRET
ATTACHMENT(S)

NLE MR Case No. 84-442

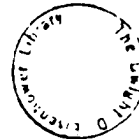
Document No. 1

THE PRESIDENT'S BOARD OF CONSULTANTS
ON FOREIGN INTELLIGENCE ACTIVITIES

EXECUTIVE OFFICE BUILDING
WASHINGTON 25, D. C.

March 4, 1960

MEMORANDUM FOR: Mr. Gordon Gray
Special Assistant to the President
for National Security Affairs



SUBJECT: Review and Analysis of Foreign Positive Intelligence Activities
as Proposed by the Bureau of the Budget

I have reviewed the draft of the terms of reference prepared by the Bureau of the Budget entitled "Management and Organization of Intelligence Activities." Pursuant to your request, my comments thereon follow.

1. Although it is indicated that the Budget Bureau survey "will not intentionally duplicate work done or in process" by this Board, I think it is inescapable that much undesirable duplication will result from the Budget Bureau study.

2. I feel very strongly that the foreign intelligence community is currently being subjected to as much constructive review of its activities as is possible. (Here I refer to the various types of reviews made by this Board, by the Comptroller General, by various select Committees of the Congress, etc. In addition, I refer to the several reviews that are well underway at the direction of the Secretary of Defense in his Office of Special Operations, J-2, the Military Intelligence Services, and the Service Cryptologic Agencies. Further, I have in mind the continuing detailed reviews that are made internally by or on behalf of various members of the Intelligence Community, e.g., the Inspector General, CIA.)

3. Because the proposed Budget study as now contemplated would undoubtedly duplicate in large measure the work of this Board, it would seem appropriate, if the study is approved by the President, that the members of this Board discuss the matter of recommending the Board's dissolution on grounds of unnecessary duplication of time and effort.

4. While I would not for one moment reflect adversely on the fine career personnel that would concern themselves with the study envisaged by the Bureau of the Budget, I question whether they have either the competence or the objectivity to make independent, broad-gauged, searching reviews and analyses of the foreign intelligence effort.

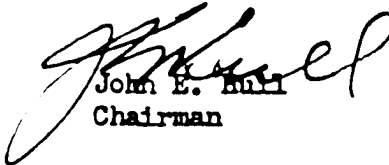
5. Insofar as the terms of reference themselves are concerned, I refrain from making any comments as to their details except for the following which relate specifically to comments in the terms of reference concerning relationships with this Board.

SECRET

a. If the proposed terms of reference are approved by the President, this Board shall be pleased to consult with the Budget Bureau Task Force as requested.

b. This Board will not object to the NSC Staff exhibiting to the Budget Bureau Task Force those portions of our reports to the President which contain recommendations relating to management, coordination and organization of foreign positive intelligence activities.

c. This Board would strongly recommend against making available to any study group or to any recipient, other than the President, the extremely sensitive and highly delicate reports which are received on a regular and frequent basis from the several heads of the member agencies of the foreign intelligence community.


John E. Hall
Chairman

cc: Honorable Hugh S. Cumming, Jr.
The Director of Intelligence and Research
Department of State

General Graves B. Erskine
Assistant to the Secretary of Defense
(Special Operations)

Mr. Allen W. Dulles
Director of Central Intelligence

Mr. Maurice W. Stans
Director, Bureau of the Budget

Mr. James S. Lay, Jr.,
Executive Secretary,
National Security Council

Mr. J. Patrick Coyne
Staff Director, The President's Board of Consultants
on Foreign Intelligence Activities

SECRET

23 JUL 1985

Bill

Jay

(no objection here, but 7/24
note must defer to RIB for final
determination as it is their job)

On the attached: (Believe this ended up as being the "Schlesinger Report")

I would vote for downgrade of all portions of this memo except:

Para 3. Indicates friction between offices and policy matters. (Who's on First.)

Comment: However this would prove to readers that the Consultants were top line managers and would not tolerate duplications.

Para 5 c. Policy again and would Congress squak, knowing that PFIAB may of held back certain reports?

Comment: Not too much to stand on if appealed.

Exemption: (b)(1) Properly classified pursuant to an Exec Order

All in all, our answer could be:

CIA has no objection to downgrade and release as no intelligence equities are involved.

Jim P

STAT

(c) If the Director of the Information Security Oversight Office determines that information is classified in violation of this Order, the Director may require the information to be declassified by the agency that originated the classification. Any such decision by the Director may be appealed to the National Security Council. The information shall remain classified, pending a prompt decision on the appeal.

(d) The provisions of this Section shall also apply to agencies that, under the terms of this Order, do not have original classification authority, but that had such authority under predecessor orders.

Sec. 3.2 Transferred Information.

(a) In the case of classified information transferred in conjunction with a transfer of functions, and not merely for storage purposes, the receiving agency shall be deemed to be the originating agency for purposes of this Order.

(b) In the case of classified information that is not officially transferred as described in Section 3.2(a), but that originated in an agency that has ceased to exist and for which there is no successor agency, each agency in possession of such information shall be deemed to be the originating agency for purposes of this Order. Such information may be declassified or downgraded by the agency in possession after consultation with any other agency that has an interest in the subject matter of the information.

(c) Classified information accessioned into the National Archives of the United States shall be declassified or downgraded by the Archivist of the United States in accordance with this Order, the directives of the Information Security Oversight Office, and agency guidelines.

Sec. 3.3 Systematic Review for Declassification.

(a) The Archivist of the United States shall, in accordance with procedures and timeframes prescribed in the Information Security Oversight Office's directives implementing this Order, systematically review for declassification or downgrading (1) classified records accessioned into the National Archives of the United States, and (2) classified presidential papers or records under the Archivist's control. Such information shall be reviewed by the Archivist for declassification or downgrading in accordance with systematic review guidelines that shall be provided by the head of the agency that originated the information, or in the case of foreign government information, by the Director of the Information Security Oversight Office in consultation with interested agency heads.

(b) Agency heads may conduct internal systematic review programs for classified information originated by their agencies contained in records determined by the Archivist to be permanently valuable but that have not been accessioned into the National Archives of the United States.


(c) After consultation with affected agencies, the Secretary of Defense may establish special procedures for systematic review for declassification of classified cryptologic information, and the Director of Central Intelligence may establish special procedures for systematic review for declassification of classified information pertaining to intelligence activities (including special activities), or intelligence sources or methods.

Sec. 3.4. Mandatory Review for Declassification.

(a) ~~Except as provided in Section 3.4(b)~~ all information classified under this Order or predecessor orders shall be subject to a review for declassification by the originating agency, if:

(1) the request is made by a United States citizen or permanent resident alien, a federal agency, or a State or local government; and

(2) the request describes the document or material containing the information with sufficient specificity to enable the agency to locate it with a reasonable amount of effort.



(b) Information originated by a President, the White House Staff, by committees, commissions, or boards appointed by the President, or others specifically providing advice and counsel to a President or acting on behalf of a President is exempted from the provisions of Section 3.4(a). The Archivist of the United States shall have the authority to review, downgrade and declassify information under the control of the Administrator of General Services or the Archivist pursuant to sections 2107, 2107 note, or 2203 of title 44, United States Code. Review procedures developed by the Archivist shall provide for consultation with agencies having primary subject matter interest and shall be consistent with the provisions of applicable laws or lawful agreements that pertain to the respective presidential papers or records. Any decision by the Archivist may be appealed to the Director of the Information Security Oversight Office. Agencies with primary subject matter interest shall be notified promptly of the Director's decision on such appeals and may further appeal to the National Security Council. The information shall remain classified pending a prompt decision on the appeal.

(c) Agencies conducting a mandatory review for declassification shall declassify information no longer requiring protection under this Order. They shall release this information unless withholding is otherwise authorized under applicable law.

(d) Agency heads shall develop procedures to process requests for the mandatory review of classified information. These procedures shall apply to information classified under this or predecessor orders. They shall also provide a means for administratively appealing a denial of a mandatory review request.

(e) The Secretary of Defense shall develop special procedures for the review of cryptologic information, and the Director of Central Intelligence shall develop special procedures for the review of information pertaining to intelligence activities (including special activities), or intelligence sources or methods, after consultation with affected agencies. The Archivist shall develop special procedures for the review of information accessioned into the National Archives of the United States.

(f) In response to a request for information under the Freedom of Information Act, the Privacy Act of 1974, or the mandatory review provisions of this Order:

(1) An agency shall refuse to confirm or deny the existence or non-existence of requested information whenever the fact of its existence or non-existence is itself classifiable under this Order.

(2) When an agency receives any request for documents in its custody that were classified by another agency, it shall refer copies of the request and the requested documents to the originating agency for processing, and may, after consultation with the originating agency, inform the requester of the referral. In cases in which the originating agency determines in writing that a response under Section 3.4(f)(1) is required, the referring agency shall respond to the requester in accordance with that Section.

Part 4

Safeguarding

Sec. 4.1 *General Restrictions on Access.*

(a) A person is eligible for access to classified information provided that a determination of trustworthiness has been made by agency heads or designated officials and provided that such access is essential to the accomplishment of lawful and authorized Government purposes.

(b) Controls shall be established by each agency to ensure that classified information is used, processed, stored, reproduced, transmitted, and destroyed only under conditions that will provide adequate protection and prevent access by unauthorized persons.

Yim J.

**Tuesday
April 6, 1982**

federal register

Part IV

The President

**Executive Order 12356—
National Security Information**